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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,950	01/29/2002	Hirochika Matsuoka	03560.002986.	3587
5514	7590	02/17/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/057,950	MATSUOKA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Mike Rahmjoo	2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 January 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/05, 6-10-02
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 9, applicant recites display/ non- display can be arbitrarily controlled. As per applicant's disclosure in paragraph [0086] applicant recites "enable/disable is switched in accordance with the current 3D-object data". As per examiner's analogy arbitrarily controlling display and non- display as claimed is different than "selecting at least one arbitrarily display surface" and "checking a box for switching (enabling and disabling)" and thus said claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 6 recites "...first color system can have...". It is unclear first color system can or cannot have what is claimed as having.

As per claim 3 line 2 it is unclear if the first and second color systems are the same color spaces and different values in the same color space or just different color spaces.

As per claim 5 line 2 recites "...to be displayed...". It is unclear whether or not a range of a grid is displayed.

As per claim 5 line 7 recites "...to be displayed...". It is unclear whether or not a sample points are or are not displayed.

As per claim 7 line 7 recites "...to be displayed...". It is unclear whether or not a range of hues is or is not displayed.

As per claim 9 line 3 recites "...display/ non- display can be ...". It is unclear what a no- display is and whether or not it is controlled.

Claims 2, 4, 6, 8, 10- 14 are indefinite because they depend on indefinite antecedent claims.

Claim 15 has similar rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamamgawa (US Patent 6522778).

As per claims 1 and 15 and as to the broadest reasonable interpretation by examiner, Tamagawa teaches a color-distribution-information input step, of inputting color-distribution information indicating color coordinate values that sample points in a first color system can have in a second color system see for example column 6 lines 1- 30 for the first and second colorimeter for measuring colorimetric values (broadly corresponding to the color coordinate values) of the color image; a user's-instruction input step, of inputting an instruction of a user relating to an operation of generating object-surface information see for example fig. 3 for the flow chart for generating the colorimetric values for the first and second color system;

and a generation step, of generating three-dimensional-object-surface information in accordance with the instruction of the user, based on the color-distribution information see for example fig. 3 and column 6 lines 20- 30 for generation of the three dimensional color image.

Claims 1-9 and 11- 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Beretta et al (US Patent 5,416,890).

As per claims 1 and 15 and as to the broadest reasonable interpretation by examiner, Beretta teaches a color-distribution-information input step, of inputting color-distribution information indicating color coordinate values that sample points in a first color system can have in a second color system see for example fig. 9 and column 19 lines 20- 25 for RGB into XYZ and LAB values; and a user's-instruction input step, of inputting an instruction of a user relating to an operation of generating object-surface information see for example fig. 1 for the user input means for performing color editing functions on the display means broadly corresponding to generating object surface information; and a generation step, of generating three-dimensional-object-surface information in accordance with the instruction of the user, based on the color-distribution information see for example fig. 16 a- b for color editing according to the graphical user interface, showing color representation in three-dimensional rectangular and cylindrical coordinate systems.

As per claim 2 Beretta teaches a display-viewpoint/positional-information control step, of controlling at least one of a viewpoint, a line of sight, a position of an object,

rotation of the object, a position of a screen, and an angle of the screen, in accordance with the instruction from the user see for example column 49 lines 60- 67 for controlling the display of histogram color space 540 (FIG. 29) wherein boxes 522, 524, 536, and 538, controls the positioning (broadly corresponding to the view point and position of a screen) and display along x-axis 542 of each successive L\* grouping of colors; and a display control step, of controlling pseudo-three-dimensional display of the three-dimensional-object-surface information, based on display-control information including at least one of viewpoint information, line-of-sight information, object-position information, object-rotation information, screen-position information and screen-angle information by display-viewpoint/positional information control means see for example column 49 lines 60- 67 for controlling the display of histogram color space (corresponding to pseudo three- dimensional display) 540 (FIG. 29) wherein boxes 522, 524, 536, and 538, controls the positioning (broadly corresponding to the view point and position of a screen) and display along x-axis 542 of each successive L\* grouping of colors.

As per claim 3 Beretta teaches the first color system and the second color system are different ones of an RGB color system, a CMY color system, an XYZ color system, an Luv color system and a Lab color system see for example fig. 9 and column 19 lines 20- 25 for RGB into XYZ and LAB values.

As per claim 4 Beretta teaches the sample points are regularly placed in the form of a grid in the first color system see for example fig. 4,6,7 and 9 for set of values.

As per claim 5 Beretta teaches in said user's instruction input step, the user instructs a range of a grid to be displayed for each color component in the first color system, and wherein in said generation step, the three-dimensional-object-surface information is generated based on color coordinates of the sample points within the assigned range of grids to be displayed in the second color system see for example column 19 lines 45- 55 wherein the user changes the color space, each of the colors, currently plotted according to coordinates in one color space, is converted to the color value representation in the newly requested color space and plotted in the correct location in the new color space corresponding to the color representation in the second color space.

As per claim 6 Beretta teaches in said user's-instruction input step, the user instructs a number of internal grid layers by using outermost grids as a reference, and wherein in said generation step, the three-dimensional-object-surface information is provided based on color coordinates of sample points in the second color system which are generated by deleting both ends of a maximum grid range in the first color system in accordance with the assigned number of internal grid layers see for example fig. 32b for the color palette (in slices corresponding to layers measured around outer surface of the device gamut) display and editing (deleting) and column 51 lines 1- 35 and also column 54 lines 3- 25.

As per claim 7 Beretta teaches a number of grids of each three-dimensional base in arrangement of sample points on grids in the first

color system is the same, and a grid step is the same in each base (see for example figures 4, 7 and 9), and wherein in said generation step, the three-dimensional-object-surface information is generated by providing a tetrahedron having four vertices, which are an origin of grids, an outermost grid point diagonal with respect to the origin, and adjacent grid vertices selected based on a range of hues to be displayed, and obtaining color coordinates of sample points on a surface of the tetrahedron region in the second color system see for example figures 9, 11- 13 for the mapping of natural colors in the chromacity diagram and the occurring of the different range of hues in the regions corresponding to different grid points in the coordinate system.

As per claim 8 Beretta teaches the three-dimensional-object-surface information is provided as a set of triangular patches, which are selected so as to maximize a volume of a three-dimensional object from among two types of combinations of triangular patches in a minimum quadrangle configured by grid points see for example figures 4,6,7, and 9 for the different sets of color values (triangular patches) in different three dimensional color spaces.

As per claim 9 Beretta broadly teaches the three-dimensional-object-surface information includes a plurality of sets of surface information, and wherein display/non-display can be arbitrarily controlled for each set of surface information, based on preset display-surface-selection information see for example fig. 5 for the color editing GUI 10, and the user selects for display any of different color spaces in which to perform color editing (controlling preset display

surface information), or may display a histogram showing the frequency distribution of the lightness values of the currently selected palette.

As per claim 11 Beretta teaches when performing pseudo-three-dimensional display of the three-dimensional-object-surface information, a color of a surface of a three-dimensional object is controlled in accordance with color coordinates of sample points in the first color system see for example figures 29- 31 for the display of histograms (pseudo three-dimensional display) in the respective color space.

As per claim 12 Beretta teaches when performing pseudo-three-dimensional display of the three-dimensional-object-surface information, a color of a surface of a three-dimensional object is controlled in accordance with color coordinates of sample points in the second color system see for example figures 29- 31 for the display of histograms (pseudo three- dimensional display) in the respective color space.

As per claim 13 Beretta teaches the color-distribution information is provided by performing gamut mapping for sample points arranged in the first color system, and acquiring color coordinate values of said sample points in the second color system see for example column 22 lines 20- 35 and fig. 12 and 17 for the gamut mapping.

As per claim 14 Beretta teaches the color-distribution information is provided by performing perception adaptation processing for sample points arranged in the first color system, and acquiring color coordinate values of

said sample points in the second color system see for example column 25 lines 60- 67 for changing the saturation value of color corresponding to color adaptation processing in color perception.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beretta.

As per claim 10 Beretta does not teach instructions of the user include an instruction to assign a type of a display mode, and wherein display modes include point-model display, wire-frame-model display, polygon-model display, and smooth-shading display.

However, the background of the prior art made of the reference teaches instructions of the user include an instruction to assign smooth-shading display see for example column 3 lines 35- 61.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of the background of the prior art made of the reference into Beretta to provide a mechanism for operating the display in different modes and therefore provide a range of colors to be generated between two colors specified by the user, making the device efficient and user friendly see for

example column 3 lines 50- 60.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5,611,030, 6,225,974, 6,807,315, 5,581,376, and US PAP 2002/0122207.

**Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272- 7691. The fax phone number for the organization where this application or proceeding is assigned is (571) 273- 8300 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

February 14, 2006



RICHARD HJERPE  
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